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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NEW STREAM COMMERCIAL FINANCE,
LLC,

Plaintiff,

- against -

STAR OF AMERICA, O.N. 973452,
her engines, tackle, gear and
appurtenances, etc., *in rem*; MAJESTIC
STAR, O.N. 1100715, her engines, tackle,
gear and appurtenances, etc., *in rem*; Majestic
Voyages, Inc., *in personam*; and Majestic Star, Inc.,
in personam,

Defendants.

Civ. No. *08 cv 3171 (AKH)*
(In Admiralty)

**AFFIDAVIT OF ATTORNEY IN
SUPPORT OF EX PARTE
MOTION FOR ORDER
APPOINTING SUBSTITUTE
CUSTODIAN AND PROVIDING
FOR *CUSTODIA LEGIS*
EXPENSES AFTER ARREST**

STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

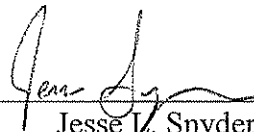
JESSE L. SNYDER, an attorney duly admitted to practice in the United States District Court, Southern District of New York, hereby testifies to the following:

1. I am associated with the law firm of Thacher Proffitt & Wood LLP, attorneys for plaintiff New Stream Commercial Finance, LLC ("Plaintiff") in this action. I make this Affirmation in support of Plaintiff's Ex Parte Motion For Order Appointing Substitute Custodian and Providing for *Custodia Legis* Expenses After Arrest.

2. Pursuant to Fed. R. Civ. P. 7(b)(1), Plaintiff hereby moves this Court, *ex parte*, for an Order Appointing Substitute Custodian for the vessels STAR OF AMERICA, O.N. 973452, and MAJESTIC STAR, O.N. 1100715 (the "Vessels"), and Providing for *Custodia Legis* Expenses After Arrest. In further support of this motion, Plaintiff has submitted an accompanying memorandum of law and proposed Order, and refers to the Verified Complaint filed herewith.

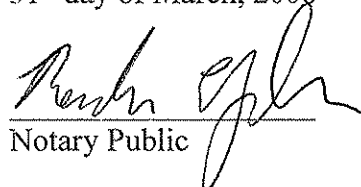
3. I believe that the grounds for the appointment of the proposed substitute custodian exist, as set forth in the accompanying memoranda of law, and respectfully request the Court to grant such relief. The source of my knowledge and the grounds for my belief are the statements made and the documents, and information, received from the Plaintiff and agents and/or representatives of the Plaintiff.

4. I am authorized to make this Affidavit on behalf of the Plaintiff.



Jesse L. Snyder

Sworn to before me this
31st day of March, 2008



Notary Public

BRENDAN ERNEST ZAHNER
NOTARY PUBLIC, State of New York
No. 02ZA808482
Qualified in Nassau County
Commission Expires March 3, 2011